IN THE HIGH COURT OF JUDICATURE,
ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.21998 OF 1997

Dated: January 31, 2007

Between:

D. Vali Reddy, S/o. Pedda Rami Reddy, aged about 47 years, R/o. Paigadda village, Yelava Nellroe, Ramasamudram Mandal, Chittoor District.

... Petitioner

And

The District Collector, Chittoor, Chittoor District, and others.

... Respondents

Order:

This Writ Petition has been filed seeking Mandamus to declare the action of the respondents in laying roads in the land of the petitioner in Sy.Nos.124/2, 125/2, 125/4 and 125/5 of Yelava Nellore village, Ramasamudram Mandal, Chittoor District, as illegal and arbitrary.

2. Petitioner claims to be the absolute owner and possessor of land to an extent of Ac.1.07 cents, 0.23 cents, 0.65 cents and Ac.0.10 cents respectively in the aforesaid

survey numbers. It is stated that respondents have proposed to lay a road in the abovementioned lands of the petitioner. His grievance is that road is proposed to be laid through his lands without initiating appropriate proceedings under the Land Acquisition Act, 1894 (for short 'the Act').

3. This court, while admitting the Writ Petition, by order dated
12-09-1997, passed in W.P.No.26798 of 1997, directed the respondents not to lay any road in the land of the petitioners aforementioned.

4. Though the Writ Petition is of the year 1997, no counter affidavit has been filed till date and there is no representation on behalf of the respondents. The interim order passed by this court has been continuing all along.

5. If private lands or any part thereof, are required for any public purpose, the same have to be taken possession of either by the owner's consent or by initiating appropriate proceedings under the Act. As much as it is the case of the petitioner that his land is a private patta land and respondents have proposed to lay a road in his land, I dispose of the Writ Petition directing the respondents not to deprive the petitioner of his land aforementioned or any part thereof, without following due process of law. It is made clear that if the land of the petitioner is required for laying road, respondents are not precluded from taking steps to acquire the same in accordance with law. No

costs.

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JUSTICE R. SUBHASH REDDY.

January 31, 2007
MRR